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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,547	09/29/2003	Hidehiko Kameyama	Q77532	6222
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SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER AU, GARY	
			ART UNIT	PAPER NUMBER
			2617	
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			12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,547

Applicant(s)

KAMEYAMA, HIDEHIKO

Examiner

Gary Au

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11, 19-22, 24 and 26-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 10, 19, 21, 24, 26-28, 30, 33-35, 37, 40 and 41 is/are rejected.
- 7) ☒ Claim(s) 9, 11, 20, 22, 29, 31, 32, 36, 38 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/9/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 8, 19 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8, 10, 19, 21, 24, 26-28, 30, 33-35, 37, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,865,386 Aoyama et al. (Aoyama).

Considering claim 8, Aoyama teaches a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: character presentation means (control unit 4 – figure 1, col. 4 lines 27-55) for controlling animation display of said character (col. 5 lines 41-67, where a sequence of images is known as animation) upon occurrence of an event (col. 6 lines 10-26, wherein Aoyama discloses receiving a mail message) on the set depending upon history information (col. 4 line 56 – col. 5 line 5) corresponding to said event and further depending upon an occurrence timing of a predetermined operation relating to said event, wherein prior to the occurrence of said event (col. 11 line 47 – col. 13 line 23, wherein Aoyama discloses displaying characters based on the times of day the message is received or the number of times the sender has sent message within a day), said character is not related to said occurring event (col. 6 lines 27-33, wherein Aoyama teaches that the character displayed can be random and that the character would not be associated with the event prior to the occurrence), and said character means selects said character from among the stored plurality of said characters depending upon the history information corresponding to said event (col. 6 lines 27-33, wherein Aoyama teaches the handheld telephone set automatically selects at random the characters due to a lag of selection of image information in the history information in the initial setting)..

Considering claim 19, Aoyama teaches a character display presentation method of a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: step responsive to occurrence of an event (col. 6 lines 10-26, wherein Aoyama discloses receiving a mail message) on the set of controlling animation display of said character (col. 5 lines 41-67, where a sequence of images is known as animation) depending upon history information (col. 4 line 56 – col. 5 line 5) and further depending upon an occurrence timing of a predetermined operation relating to said event (col. 11 line 47 – col. 13 line 23, wherein Aoyama discloses displaying characters based on the times of day the message is received or the number of times the sender has sent message within a day), wherein prior to the occurrence of said event, said character is not related to said occurring event (col. 6 lines 27-33, wherein Aoyama teaches that the character displayed can be random and that the character would not be associated with the event prior to the occurrence), wherein the controlling the animation display selects said character from among the stored plurality of said characters depending upon the history information corresponding to said event (col. 6 lines 27-33, wherein Aoyama teaches the handheld telephone set automatically selects at random the characters due to a lag of selection of image information in the history information in the initial setting).

Considering claim 24, Aoyama teaches a storage medium storing a program to cause a computer to implement functions of a character display presentation method of a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), said functions comprising: operating a computer for executing a process responsive to occurrence of an event (col. 6 lines 10-26, wherein Aoyama discloses receiving a mail message) on the set, of controlling animation display of said character (col. 5 lines 41-67, where a sequence of images is known as animation) depending upon history information (col. 4 line 56 – col. 5 line 5) depending upon an occurrence timing of a predetermined operation relating to said event (col. 11 line 47 – col. 13 line 23, wherein Aoyama discloses displaying characters based on the times of day the message is received or the number of times the sender has sent message within a day) wherein prior to the occurrence of said event, said character is not related to said occurring event (col. 6 lines 27-33, wherein Aoyama teaches that the character displayed can be random and that the character would not be associated with the event prior to the occurrence), wherein the process selects said character from among the stored plurality of said characters depending upon the history information corresponding to said event (col. 6 lines 27-33, wherein Aoyama teaches the handheld telephone set automatically selects at random the characters due to a lag of selection of image information in the history information in the initial setting).

Considering claims 26, 33, 40 and 41, Aoyama teaches a method, a storage medium storing a program to cause a computer to implement functions of and a cellular

telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: character presentation means (control unit 4 – figure 1, col. 4 lines 27-55) for controlling animation display of said character upon occurrence of an event (col. 6 lines 10-26, wherein Aoyama discloses receiving a mail message) in the set depending upon history information corresponding to the event (col. 4 line 56 – col. 5 line 5), wherein prior to the occurrence of said event said character is not related to said occurring event (col. 6 lines 27-33, wherein Aoyama teaches that the character displayed can be random and that the character would not be associated with the event prior to the occurrence), and said character presentation means selects said character from among the stored plurality of said characters depending upon the history information corresponding to said event (col. 6 lines 27-33, wherein Aoyama teaches the handheld telephone set automatically selects at random the characters due to a lag of selection of image information in the history information in the initial setting).

Considering claims 10, 21, 30 and 37, Aoyama teaches character presentation means controls animation display of said character depending upon particular date and time information preliminarily set in a schedule function (figure 9, col. 11 line 47 – col. 12 line 26).

Considering claims 27 and 34, Aoyama teaches said character presentation means controls animation display of said character depending upon a timing of

occurrence of a predetermined operation associated with said event on the basis of said history information (col. 11 line 47 – col. 13 line 23, wherein Aoyama discloses displaying characters based on the times of day the message is received or the number of times the sender has sent message within a day).

Considering claims 28 and 35, Aoyama teaches said character presentation means controls animation display of said character so as to differentiate patterns depending upon number of accumulation of telephone numbers of counterpart of call in said history information (col. 11 line 47 – col. 13 line 23, wherein Aoyama discloses displaying characters based on the number of times the sender has sent message within a day to 3 days prior).

Allowable Subject Matter

5. Claims 9, 11, 20, 22, 29, 31, 32, 36, 38 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

Application/Control Number:
10/671,547
Art Unit: 2617

Page 8

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA



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